



**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
PERMIT
REVISED**

Michigan Depart. of Transportation
1501 East Kilgore Road
Kalamazoo, MI 49001

Permit No.	11-03-0046-P
Issued	July 26, 2011
Extended	
Revised	
Expires	July 26, 2016

ISSUED TO:

This permit is being issued by the Michigan Department of Environmental Quality (MDEQ) under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and specifically:

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| <input checked="" type="checkbox"/> Part 301, Inland Lakes and Streams | <input type="checkbox"/> Part 315, Dam Safety |
| <input type="checkbox"/> Part 325, Great Lakes Submerged Lands | <input type="checkbox"/> Part 323, Shorelands Protection and Management |
| <input type="checkbox"/> Part 303, Wetlands Protection | <input type="checkbox"/> Part 353, Sand Dunes Protection and Management |
| <input checked="" type="checkbox"/> Part 31, Floodplain/Water Resources Protection | |

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Permitted Activity:

CS 03023 & 03024

Reconstruct M-89 in the City of Plainwell from west of US-131 to the eastern city limit, including the following:

- 1. At the M-89 crossing of the Kalamazoo River Mill Race, remove the existing 55-foot-wide by 54-foot-span by 12-foot rise concrete slab bridge and install a 55-foot-wide by 54-foot-span by 11.5-foot-rise concrete box-beam bridge.**
- 2. Construct new storm water outlets in the Kalamazoo River near Church Street and Prince Street.**

Water Course Affected: Kalamazoo River & K River Mill Race

Property Location: Allegan County, City of Plainwell, Section 19 29

Subdivision, Lot Town/Range 1N, 11W Property Tax No.

Authority granted by this permit is subject to the following limitations:

- Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
- This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- All work shall be completed in accordance with the plans and specifications submitted with the application and/or plans and specifications attached hereto.
- No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved herein.
- It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that act.
- This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.

- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify the MDEQ within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the MDEQ.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- L. Work to be done under authority of this permit is further subject to the following special instructions and specifications:
 - 1. This permit is being issued for the maximum time allowed under Part 301, Inland Lakes and Streams and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended, including all permit extensions allowed under the administrative rules R 281.813 and R 281.923. Therefore, no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by the MDEQ, will be for a five-year period beginning at the date of issuance.
 - 2. All work shall be completed in accordance with plans dated received June 21, 2011; kept on file at the MDEQ's Land and Water Management Division.
 - 3. In issuing this permit, the MDEQ has relied on the information and data which the permittee has provided in connection with the permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete, or inaccurate, the MDEQ may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
 - 4. The permittee is responsible for acquiring all necessary easements or rights-of-way before commencing any work authorized by this permit. All construction operations relating to or part of this project shall be confined to the existing right-of-way limits or other acquired easements.
 - 5. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state or federal approval, or authorizations necessary to conduct the activity.
 - 6. Noncompliance with these terms and conditions, and/or the initiation of other regulated activities not specifically authorized by this permit shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, the MDEQ may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
 - 7. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity and/or mitigation plan from the MDEQ. Such revision requests shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the MDEQ prior to being implemented.
 - 8. This permit may be transferred to another person upon written approval of the MDEQ. The permittee must submit a written request to the MDEQ to transfer the permit to the new owner. The new owner must also submit a written request to accept transfer of the permit. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties which includes all the above information may be provided to the MDEQ. The MDEQ will review the request and if approved, will provide written notification to the new owner.
 - 9. Authority granted by this permit does not waive compliance requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA. Any discharge of sediment into waters of the state and/or off the road right-of-way is a violation of this permit, Part 91, and Part 31, Water Resources Protection, of the NREPA. A violation of these parts subjects the permittee to potential fines and penalties.

10. Temporary soil erosion and sedimentation control measures shall be installed before commencement of the earth change and shall be maintained daily. Temporary soil erosion and sedimentation control measures shall be maintained until permanent soil erosion and sedimentation control measures are in place and the area is stabilized. Permanent soil erosion and sedimentation control measures for all slopes, channels, ditches, or any disturbed area shall be installed within five (5) calendar days after final grading or the final earth change has been completed.
11. All raw areas resulting from the permitted construction activity shall be promptly and effectively stabilized with sod and/or seed and mulch (or other technology specified by this permit or project plans) in a sufficient quantity and manner so as to prevent erosion and any potential siltation to surface waters or wetlands.
12. All raw earth within 100 feet of a lake, stream, or wetland that is not brought to final stabilization by the end of the active growing season shall be temporarily stabilized with mulch blankets in accordance with the following dates: September 20th for the Upper Peninsula, October 1st for the Lower Peninsula north of US-10, and October 10th for the Lower Peninsula south of US-10.
13. All slurry resulting from any dewatering operation shall be discharged through a filter bag or pumped to a sump located away from wetlands and surface waters and allowed to filter through natural upland vegetation, gravel filters, or other engineered devices for a sufficient distance and/or period of time necessary to remove sediment or suspended particles. The discharge of slurry water resulting from the hydrodemolition of concrete is not allowed to enter a lake, stream, or wetland.
14. All dredge/excavated spoils including organic and inorganic soils, vegetation, and other material removed shall be placed on upland (non-wetland, non-floodplain or non-bottomland), prepared for stabilization, and stabilized with sod and/or seed and mulch in such a manner so as to prevent and ensure against erosion of any material into any waterbody, wetland, or floodplain.
15. During removal or repair of the existing structure, every precaution shall be taken to prevent debris from entering any watercourse. Any debris reaching the watercourse during the removal and/or reconstruction of the structure shall be immediately retrieved from the water. All material shall be disposed of in an acceptable manner consistent with local, state, and federal regulations.
16. The use of explosives for removal of the structure over the waterbody, including any abutments or piers, is strictly prohibited.
17. **Prior to the removal of the existing structure, cofferdams of steel sheet piling, gravel bags, clean stone, coarse aggregate, concrete or other acceptable barriers shall be installed to isolate all construction activity from the water. The barriers shall be maintained in good working order throughout the duration of the project. Upon project completion the accumulated materials shall be removed and disposed of at an upland site.**

All cofferdam and temporary steel sheet pile shall then be removed in its entirety, unless shown to be left in place on the plans attached to this permit. Cofferdam and sheet pile shall be cut off at the elevation shown on the plans and shall be a minimum of 1 foot below the stream bottom. Projects where the cofferdam is cut off less than 1 foot below the stream bottom must be submitted for individual review before any revision to current permit conditions will be allowed.

18. The road fill side slopes shall not be steeper than 1-on-2 (1 vertical to 2 horizontal) except where headwalls of reinforced concrete, mortar masonry, dry masonry, or other acceptable methods are used.

19. Road fill side slopes terminating in the stream and any raw stream banks resulting from construction shall be immediately riprapped to the ordinary high water mark. Exposed stream banks above the ordinary high water mark, and all other raw slopes and ditches draining directly to the stream must be protected with riprap over geotextile fabric or stabilized with appropriate Best Management Practices based on site conditions as necessary to provide effective erosion protection.
20. If the project, or any portion of the project, is stopped and lies incomplete for any length of time (other than that encountered in a normal work week) every precaution shall be taken to protect the incomplete work from erosion, including the placement of temporary gravel bag riprap or other acceptable temporary protection.
21. No work shall be done in the stream during periods of above-normal flows except as necessary to prevent erosion.
22. Unless specifically stated under the "Permitted Activity" of this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the waterbody are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
23. Stormwater shall not directly outlet to the stream.
24. The work is within the boundaries of the Kalamazoo River Superfund site. As such the permittee and contractors are obligated to take due care to prevent exacerbation of pollutants and take appropriate precautions to protect workers and others from unacceptable exposure. Please contact Mr. Paul Bucholtz with questions of this site at 517-373-8174.
25. All spoils excavated from the uplands and river dredging including organic and inorganic soils, vegetation, and debris shall be placed on-site above the ordinary high water mark, leveled, covered with six (6) inches of clean topsoil obtained from off-site, and stabilized with sod, seed and mulch, or paved over in such a manner as not to erode into any waterbody or wetland. This shall be done as soon as feasible upon completion of spoils placement or within a time not greater than three (3) months after spoils placement. Side slopes of cover material shall be no steeper than 3:1 (horizontal:vertical).
26. Use or placement of the spoils shall be done in such a manner to prevent nuisance conditions and control the release of fugitive dust or visible emissions as required by Part 55, Air Pollution Control, of the NREPA, or the rules promulgated under this Act. .
27. The spoils shall not be mixed with other waste or materials that are not inert as defined in Part 115, Solid Waste Management, of the NREPA.
28. The provisions of this permit do not preclude the permittee from disposal of the spoils in accordance with Part 115 at a properly licensed Type II solid waste disposal facility or at an out-of-state facility in accordance with the State's solid waste disposal regulations.
29. Within three (3) months after final placement of spoils, the permittee shall obtain a boundary survey of the area used as a disposal site, including the cover and side slopes thereof. The permittee shall enter said description on the enclosed Restrictive Covenant, have the Restrictive Covenant signed by the proper corporate officers, have the signatures properly witnessed and notarized, and record the Restrictive Covenant with the appropriate County Register of Deeds. A copy of the recorded document shall be submitted to the MDEQ, P.O. Box 30028, Lansing, MI 48909, Attention: Paul Bucholtz, within four (4) months after final placement of spoils.
30. A licensed professional engineer of the permittee's choice shall certify to the MDEQ that the excavation and covering of contaminated soils was completed per MDEQ permit requirements. The permittee is

responsible to insure the project is constructed in accordance with all drawings and specifications contained in this permit. Certification shall be provided no later than three (3) months after the spoils are placed on-site and covered.

Dan Wyant, Director
Michigan Department of Environmental Quality

By 
Holly Vickers
Water Resources Division

cc: City of Plainwell Clerk
Allegan County Drain Commission
Allegan CEA
Jay Wesley, DNR, Fisheries
Katie Fairchild, DEQ-WRD
Sarah Vandelfzijl, DEQ-WRD
Paul Bucholtz, DEQ, RRD